

committee am instructed to report same back to the Senate with the recommendation that they be in all things confirmed.

To Be Members of the Board of Directors of the Pease River Flood Control District:

Six-year terms:

E. R. Brown, of Electra, Wichita County;

R. H. Nichols, of Vernon, Wilbarger County;

M. S. Henry, of Crowell, Foard County.

Four-year terms:

Harry Koch, of Quanah, Hardeman County;

Dr. Hines Clark, of Crowell, Foard County;

J. H. Allison, of Wichita Falls, Wichita County;

Two-year terms:

W. O. Jones, Sr., of Paducah, Cottle County;

C. E. Carlock, of Chillicothe, Hardeman County;

T. Edgar Johnson, of Vernon, Wilbarger County.

ONEAL, Chairman.

### Adjournment.

On motion of Senator Holbrook the Senate at 4:49 o'clock p. m. adjourned until 10 o'clock a. m. Tuesday.

### THIRD DAY.

Senate Chamber,

Austin, Texas,

October 22, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Poage.
Hill.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Isbell.	Shivers.

Small.  
Stone.  
Sulak.

Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Redditt.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

#### Senate Bill No. 4.

By Senators Nelson and Holbrook:  
S. B. No. 4, A bill to be entitled "An Act repealing Article 7319 of the Revised Civil Statutes of 1925; repealing Acts of 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third Legislature, First Called Session, page 271, Chapter 98, amending Article 7320, Revised Civil Statutes of 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, and forever barring taxes returned delinquent prior to that date; providing for certificates showing status of tax payments on property, etc.; and declaring an emergency."

Read and referred to the Committee on Finance.

#### S. C. R. No. 1.

Whereas On January 1, 1936, there will be held at the Indian Reservation near Livingston, Polk County, Texas, a celebration, celebrating the peace that has existed for one hundred years between the Alabama and Coushatti Indians, and the people of Texas; and

Whereas, This will be the first celebration commemorating the Centennial, and

Whereas, The Alabama and

Coushatti Indians rendered valuable service to the Republic of Texas and to General Sam Houston by keeping the warlike Tonkawas off the war-path during the period prior to the battle of San Jacinto; and

Whereas, Twenty-one members of the Alabama and Coushatti tribe joined and followed the leadership of Robert E. Lee and Stonewall Jackson during the Civil War, and have been peaceful, law abiding citizens; and

Whereas, In the year 1935, Chief Sun Kee passed to his reward, and on the 1st day of January, 1936, there will be inaugurated and installed a new chief for said tribe of Indians, and

Whereas, It is befitting for the State of Texas to have a hand and a great part in presenting to the new chief a medal commemorating the one hundred years of peace between the Texas Indians and the people of Texas;

Therefore, Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor of Texas is hereby authorized to present to the new chief the medal that the citizens of Polk County have purchased to be given and worn by the new chief who will be installed and inaugurated on January, 1, 1935, commemorating one hundred years of peace between the Texas Indians and the people of Texas.

BURNS.

Read.

Senator Burns moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

S. C. R. No. 1 was adopted unanimously.

#### Senate Bill No. 1.

Pending business was S. B. No. 1 with pending amendment by Senator Van Zandt.

Senator Nelson sent up the following amendment:

Amend Amendment No. 1 by Van Zandt by adding to sub-Section D of Section 2, the following:

"Such income to be exclusive of all taxes, insurance, interest, and principal payments made by such

person on his or her homestead when such homestead does not exceed in value the sum of \$3,000.00."

NELSON.

Read.

Pending.

Senator Shivers sent up the following substitute for Van Zandt amendment and Nelson amendment to Van Zandt amendment.

Sec. 2. To Whom Granted.—Subject to the provisions of this Act, persons who have attained the age of sixty-five (65) years or over shall, while residing in the State of Texas if deserving of assistance, be entitled to aid as hereinafter specified; such assistance to be paid shall not exceed the sum of Fifteen Dollars (\$15.00) per month from the fund hereafter created.

Sec. 3. Old Age Assistance may be given under this Act to any person who:

(1) Has attained the age of sixty-five (65) years or more;

(2) Has income which, when added to the contributions and money, assistance or service from legally responsible relatives or others, is inadequate to provide a reasonable subsistence compatible with decency and health.

The Director may in his discretion, after determining the income of an applicant during the previous year as well as the prospects for income during the year for which application is made, modify the amount to be paid each applicant, and it shall be the duty of the Director to make such adjustment as will assure each person who qualifies under this Act who is deserving and in need of an income to average the maximum assistance per month as herein provided. It shall also be the duty of the Director to investigate the ability and willingness of the component members of said applicant's immediate family to assist in the support and maintenance of said applicant and to modify and adjust the assistance for such applicant in accordance with the evidence found.

(3) Is a bona fide citizen of the United States and the State of Texas;

(4) Has been in actual residence in the State of Texas at least five

(5) years during the nine (9) years immediately preceding application for old age assistance and con-

tinuously for one (1) year immediately preceding such application.

"The terms 'residence' and 'resided' as used in this Act shall denote actual physical presence within this State as distinguished from the words 'domicile' and 'residence' as used in their broader meaning.

"(5) Has an income, if a single person, from any and all sources not exceeding four hundred dollars (\$400.00) per year, or if married, a community income from any and all sources not exceeding six hundred dollars (\$600.00) per year.

"(6) No person who has more than five hundred dollars (\$500.00) in cash, on deposit in a bank, in postal savings or otherwise, or if the immediate cash value, as determined by the Director and subject to review by the Board, of his holdings of bonds, stocks, mortgages, other securities or investments, except real estate, exceeds five hundred dollars (\$500.00) shall be eligible for assistance. At the discretion of the Director, however, where such immediate sale, for cash, of such securities or investments necessitates an undue financial sacrifice, the applicant, when in immediate need of assistance, shall assign such securities and investments to the State to be held in trust by the Director to reimburse the old age assistance fund for the amount paid from the old age assistance fund in assistance or other benefits in behalf of said applicant. No person shall be allowed assistance if the claimant has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age assistance, or if the claimant or the husband or wife conveys or encumbers any real estate or other property owned by them or by either of them for the purpose of preventing the State from reimbursing itself for assistance granted or to be granted hereunder. A sworn statement by both the vendor and vendee of the reasons and/or considerations of any transfer of real and/or personal property within the five years immediately preceding the date of application for old age assistance may be required by the board or Director to be made in such manner and on such forms as the Director may direct; provided, however, that no sworn statement need be made for any transfer prior to

January 1, 1935, unless the Director so directs.

"(7) Is not at the time of making application receiving aid, or an inmate of any prison, jail, workhouse, insane asylum or any other public reform or correctional institution except for medical or surgical care.

"(8) Is not an habitual drunkard or an habitual criminal.

"Sec. 4. On the death of a person receiving or who has received assistance under this Act or of the survivor of a married couple, both of whom were so assisted, the total amount paid as assistance shall be allowed as a first lien claim against the estate of such deceased, and neither the homestead nor the proceeds shall be exempt from the payment of said claim, any Act or statute to the contrary notwithstanding with the single exception that expenses of the last illness and burial expenses shall be first paid out of the estate, and then the amount paid as assistance shall become a first preferred claim against the estate. The proceeds of such claim shall be paid into the old age assistance fund. In case of the death of either husband or wife, both of whom have been receiving or have received assistance under this Act, the estate of deceased shall not be settled or the homestead sold until a surviving spouse shall die or cease to occupy the homestead as such.

"In any event the assistance furnished under this Act shall be and constitute a lien on any real estate owned either by the husband or wife for assistance furnished to either of such persons. Whenever an order is made for such assistance to any persons in whom or in whose spouse the title to any real estate is fixed, a copy of such order shall be indexed and recorded in the manner provided for the indexing of real estate mortgages in the office of the County Clerk in the county in which the real estate is situated, and such recording and indexing shall constitute notice of such lien. The County Clerk shall not charge a fee for such recording and indexing. The Director shall release liens accruing under the provision of this section and Act when fully paid and when compromised and settled, or when the estate of which real estate affected by

this Act is a part has been probated and the proceeds allowable have been applied on such liens.

"Any sums of money collected by the State of Texas or political subdivision thereof from the estate of any recipient of old age assistance under the terms of this Act with respect to old age assistance furnished under this plan shall be divided after the net amount thereof has been determined, and one-half (1/2) thereof shall be paid promptly to the United States and be deposited in the United States Treasury, and the remaining amount shall be deposited with the Treasurer of the State of Texas to the credit of the Old Age Assistance Fund herein created.

"The Attorney General at the request of the Director shall take the necessary proceedings and represent and advise the Director in respect to any matters arising under this Act.

"Sec. 5. Any person who has been granted a certificate of old age assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Director to accept an assignment of any assignable death benefits, loan value or cash surrender value of any life insurance policy, death or funeral benefit of any association, society or organization requiring further payment of premiums or assessments which such person believes he is unable to pay. The Director may accept such assignments if he deems such act advisable and in the best interest of such person and the State; but upon the payment of such death benefits or other sum due under the policy, the Director shall first deduct the amount of the funeral expenses incurred; and second, the amount of the premiums or assignments paid by the Director to keep the insurance or benefit in force; and third, the amount of assistance paid to such person, all of which shall accrue to the Old Age Assistance Fund. The Director shall pay the balance received, if any, as directed by the insured, either to persons or into the Old Age Assistance Fund, as may be the wish of the insured at the time of the assignment.

SHIVERS.

Read.

#### Point of Order.

Senator Sanderford raised the point of order that Senator Shivers was sending up two substitutes at one time, as a substitute cannot be sent up for an amendment, and an amendment to an amendment, at one time.

The Chair overruled the point of order.

Senator Shivers withdrew his substitute temporarily.

#### Recess.

On motion of Senator Hill the Senate at 11:55 o'clock a. m. recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

#### Senate Resolution No. 4.

Whereas, On last Friday afternoon our fellow worker, the Hon. Earl Huddleston, member of the House of Representatives, was severely injured in an unfortunate automobile accident, and

Whereas, Such accident was occasioned through no fault of Representative Huddleston, and

Whereas, Representative Huddleston is an outstanding member of this Legislature and enjoys the confidence, respect and admiration of the members of both Houses;

Now Therefore Be It Resolved By the Senate of Texas, That we express our sympathy to Representative Huddleston and deplore the unfortunate occurrence which resulted in his injury, and wish for him a speedy and complete recovery.

And, Be It Further Resolved, That the Secretary of the Senate be instructed to forward a copy of this resolution, together with flowers, to the bedside of our stricken colleague, at his home in Oglesby, Texas.

POAGE.

Read.

Senator Poage moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

S. R. No. 4 was adopted unanimously.

**Senate Resolution No. 5.**

Whereas, While returning to his home last Friday afternoon, our faithful employee, Hon. Ed Sterling, was seriously injured in an automobile accident; and

Whereas, This Senate has come to admire and respect Mr. Sterling; now, therefore, be it

Resolved By the Senate of Texas, That we do deplore the unfortunate occurrence causing his injuries, and wish for him a speedy recovery; and be it further

Resolved That the Secretary of the Senate be instructed to forward a copy of this resolution, together with flowers, to the Hon. Ed Sterling, and express to him the good wishes of the Senate.

POAGE.

Read.

Senator Poage moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

S. R. No. 5 was adopted unanimously.

**Senate Resolution No. 6.**

S. R. No. 6 was sent up by Senator Davis and ruled out of order by the Chair.

**Senate Bill No. 1.**

Pending business was S. B. No. 1, with pending amendment by Senator Van Zandt and pending amendment by Senator Nelson to the Van Zandt amendment.

Senator Nelson withdrew his pending amendment.

Senator Van Zandt withdrew his pending amendment.

Senator Shivers sent up the following amendment:

Amend S. B. No. 1 by striking out Section 2 thereof and adding in lieu thereof the following, and renumbering the remaining Sections to conform.

Sec. 2. To Whom Granted.—Subject to the provisions of this Act, persons who have attained the age of sixty-five (65) years or over shall, while residing in the State of Texas if deserving of assistance, be

entitled to aid as hereinafter specified, such assistance to be paid shall not exceed the sum of Fifteen Dollars (\$15.00) per month from the fund hereafter created.

Sec. 3. Old Age Assistance may be given under this Act to any person who:

(1) Has attained the age of sixty-five (65) years or more;

(2) Has income which, when added to the contributions and money, assistance or service from legally responsible relatives or others, is inadequate to provide a reasonable subsistence compatible with decency and health.

The Director may in his discretion, after determining the income of an applicant during the previous year as well as the prospects for income during the year for which application is made, modify the amount to be paid each applicant, and it shall be the duty of the Director to make such adjustment as will assure each person who qualifies under this Act who is deserving and in need of an income to average the maximum assistance per month as herein provided. It shall also be the duty of the Director to investigate the ability and willingness of the component members of said applicant's immediate family to assist in the support and maintenance of said applicant and to modify and adjust the assistance for such applicant in accordance with the evidence found.

(3) Is a bona fide citizen of the United States and the State of Texas;

(4) Has been in actual residence in the State of Texas at least five (5) years during the nine (9) years immediately preceding application for old age assistance and continuously for one (1) year immediately preceding such application.

"The terms 'residence' and 'resided' as used in this Act shall denote actual physical presence within this State as distinguished from the words 'domicile' and 'residence' as used in their broader meaning.

"(5) Has an income, if a single person, from any and all sources not exceeding four hundred dollars (\$400.00) per year, or if married, a community income from any and all sources not exceeding six hundred dollars (\$600.00) per year.

"(6) No person who has more

than five hundred dollars (\$500.00) in cash, on deposit in a bank, in postal savings or otherwise, or if the immediate cash value, as determined by the Director and subject to review by the Board, of his holdings of bonds, stocks, mortgages, other securities or investments, except real estate, exceeds five hundred dollars (\$500.00) shall be eligible for assistance. At the discretion of the Director, however, where such immediate sale, for cash, of such securities or investments necessitates an undue financial sacrifice, the applicant, when in immediate need of assistance, shall assign such securities and investments to the State to be held in trust by the Director to reimburse the old age assistance fund for the amount paid from the old age assistance fund in assistance or other benefits in behalf of said applicant. No person shall be allowed assistance if the claimant has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age assistance, or if the claimant or the husband or wife conveys or encumbers any real estate or other property owned by them or by either of them for the purpose of preventing the State from reimbursing itself for assistance granted or to be granted hereunder. A sworn statement by both the vendor and vendee of the reasons and/or considerations of any transfer of real and/or personal property within the five years immediately preceding the date of application for old age assistance may be required by the board or Director to be made in such manner and on such forms as the Director may direct; provided, however, that no sworn statement need be made for any transfer prior to January 1, 1935, unless the Director so directs.

"(7) Is not at the time of making application receiving aid, or an inmate of any prison, jail, workhouse, insane asylum or any other public reform or correctional institution except for medical or surgical care.

"(8) Is not an habitual drunkard or an habitual criminal.

"Sec. 4. On the death of a person receiving or who has received assistance under this Act or of the survivor of a married couple, both of whom were so assisted, the total amount paid as assistance shall be

allowed as a first lien claim against the estate of such deceased, and neither the homestead nor the proceeds shall be exempt from the payment of said claim, any Act or statute to the contrary notwithstanding with the single exception that expenses of the last illness and burial expenses shall be first paid out of the estate, and then the amount paid as assistance shall become a first preferred claim against the estate. The proceeds of such claim shall be paid into the old age assistance fund. In case of the death of either husband or wife, both of whom have been receiving or have received assistance under this Act, the estate of deceased shall not be settled or the homestead sold until a surviving spouse shall die or cease to occupy the homestead as such.

"In any event the assistance furnished under this Act shall be and constitute a lien on any real estate owned either by the husband or wife for assistance furnished to either of such persons. Whenever an order is made for such assistance to any persons in whom or in whose spouse the title to any real estate is filed, a copy of such order shall be indexed and recorded in the manner provided for the indexing of real estate mortgages in the office of the County Clerk in the county in which the real estate is situated, and such recording and indexing shall constitute notice of such lien. The County Clerk shall not charge a fee for such recording and indexing. The Director shall release liens accruing under the provisions of this section and Act when fully paid and when compromised and settled, or when the estate of which real estate affected by this Act is a part has been probated and the proceeds allowable have been applied on such liens.

"Any sums of money collected by the State of Texas or political subdivision thereof from the estate of any recipient of old age assistance under the terms of this Act with respect to old age assistance furnished under this plan shall be divided after the net amount thereof has been determined, and one-half (1/2) thereof shall be paid promptly to the United States and be deposited in the United States Treasury, and the remaining amount shall

be deposited with the Treasurer of the State of Texas to the credit of the Old Age Assistance Fund herein created.

"The Attorney General at the request of the Director shall take the necessary proceedings and represent and advise the Director in respect to any matters arising under this Act.

"Sec. 5. Any person who has been granted a certificate of old age assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Director to accept on assignment of any assignable death benefits, loan value or cash surrender value of any life insurance policy, death or funeral benefit of any association, society or organization requiring further payment of premiums or assessments which such person believes he is unable to pay. The Director may accept such assignments if he deems such act advisable and in the best interest of such person and the State; but upon the payment of such death benefit or other sum due under the policy, the Director shall first deduct the amount of the funeral expenses incurred; and second, the amount of the premiums or assignments paid by the Director to keep the insurance or benefit in force; and third, the amount of assistance paid to such person, all of which shall accrue to the Old Age Assistance Fund. The Director shall pay the balance received, if any, as directed by the insured, either to persons or into the Old Age Assistance Fund, as may be the wish of the insured at the time of the assignment.

#### SHIVERS.

Read.

Amend Shivers amendment by striking out all of Subsection 5, and substituting in lieu thereof the following:

Subsection 5. Subject to the provisions of this Act, no person owning separate property, real or personal, exceeding in value one thousand (\$1,000.00) dollars, or if married, owning community property real or personal, exceeding in value two thousand (\$2,000.00) dollars, exclusive of homestead, and if said homestead value be in excess of three thousand (\$3,000.00) dollars exclusive of household goods and wearing apparel, and/or shall have had an income, annuity or emolu-

ments of office or wages for services in excess of three hundred and sixty (\$360.00) dollars per year next preceding the year for which such Old Age Assistance is applied for shall not be eligible for such assistance and by the values herein stipulated is meant the reasonable market value thereof to be determined by the Board of Control under its own rules and regulations.

VAN ZANDT.

Read.

#### Motion for Previous Question.

Senator Woodruff moved that the Senate order the previous question on the amendment and the amendment to the amendment.

The motion was not seconded.

Senator Van Zandt was recognized to discuss his amendment.

The amendment by Senator Van Zandt was lost by the following vote:

Yeas—6.

Blackert.	Regan.
DeBerry.	Small.
Hornsby.	Van Zandt.

Nays—19.

Beck.	Poage.
Collie.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Stone.
Moore.	Sulak.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Absent.

Cotten.	Davis.
---------	--------

Absent—Excused.

Burns.	Martin.
Fellbaum.	Pace.

Senator Oneal sent up the following:

Amend Shivers amendment by striking out the last sentence in Subdivision (2) of Section 3, the language to be struck out being as follows:

"It shall also be the duty of the Director to investigate the ability and willingness of the component members of said applicant's immediate family to assist in the support and maintenance of said applicant and to

modify and adjust the assistance for such applicant in accordance with evidence found.

ONEAL,  
POAGE.

Read.

### Motion to Table.

Senator Shiver moved to table the amendment by Senators Oneal and Poage.

The motion lost by the following vote.

### Yeas—11.

Blackert.	Rawlings.
DeBerry.	Redditt.
Holbrook.	Regan.
Hopkins.	Shivers.
Hornsby.	Small.
Moore.	

### Nays—13.

Collie.	Sanderford.
Hill.	Stone.
Isbell.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.
Poage.	

### Absent.

Beck.	Davis.
-------	--------

### Absent—Excused.

Burns.	Martin.
Cotten.	Pace.
Fellbaum.	

The amendment was adopted by the following vote:

### Yeas—13.

Collie.	Poage.
Davis.	Sanderford.
Hill.	Stone.
Isbell.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	

### Nays—11.

Beck.	Redditt.
Blackert.	Regan.
DeBerry.	Shivers.
Holbrook.	Small.
Hornsby.	Woodruff.
Moore.	

### Absent.

Hopkins.	Rawlings.
----------	-----------

### Absent—Excused.

Burns.	Martin.
Cotten.	Pace.
Fellbaum.	

Amend pending amendment (Sec. 2) by adding after the word "who" in line 15 the following:

"are in necessitous circumstances and who"

SMALL.

Read and adopted.

Amend pending amendment by adding after the word "paid" in line 18 the following:

"shall be only sufficient to provide a reasonable subsistence for the applicant and in no event" and then strike out the word "not" in line 18.

SMALL

Read and adopted.

Amend Shivers amendment Sec. 3 Subsection 7, line 21, page 4, by adding a period after the word institution and striking out the words except for medical or surgical care.

BECK.

Read and adopted.

Amend the substitute amendment by Shivers by adding to Sub-sec. 5 Section 3 the following

"Such income as above set out to be exclusive of any money paid for taxes, insurance, interest and principal by any person upon his or her homestead, such homestead not to exceed in value the sum of \$3000.00"

NELSON.

Read.

Senator Van Zandt asked unanimous consent to send up a corrective amendment to the amendment by Senator Nelson.

### Point of Order.

Senator Nelson raised the point of order, that Senator Van Zandt's amendment was out of order, as it would amend an amendment to an amendment.

The Chair sustained the point of order.

### Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Nelson.

The motion to table prevailed by the following vote:



## Yeas—14.

Blackert.	Oneal.
DeBerry.	Poage.
Holbrook.	Redditt.
Hornsby.	Regan.
Isbell.	Shivers.
Moore.	Stone.
Neal.	Van Zandt.

## Nays—9.

Beck.	Sanderford.
Collie.	Sulak.
Davis.	Westerfeld.
Hill.	Woodruff.
Nelson.	

## Absent.

Hopkins.	Small.
Rawlings.	

## Absent—Excused.

Burns.	Martin.
Cotten.	Pace.
Fellbaum.	

Amend pending Shivers amendment by adding at end of line 22, page 3, the following: comma instead of period exclusive of payment of interest on indebtedness, taxes and insurance on actual residence homesteads, and payments of rentals for actual residence homestead.

WOODRUFF.

Read.

## Motion to Table.

Senator Holbrook moved to table the amendment by Senator Woodruff.

The motion prevailed by a viva voce vote.

Amend Shivers amendment by striking out Sub-section 7, of Sec. 3 thereof and insert in lieu thereof the following:

Sub-section 7. Is not at the time of application an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial correctional or curative character, except in the case of temporary medical or surgical care in a hospital.

VAN ZANDT.

Read and adopted.

Amend the Shivers amendment to Senate Bill No. 1, Section 2, 6th line, by adding the following after the concluding sentence:

"To constitute 'in necessitous circumstances' within the meaning of

this Act, neither the applicant, nor the applicant's husband or wife, nor each of them jointly or severally shall own property, real or personal, exceeding in value three thousand (\$3,000.00) dollars, exclusive of household goods and wearing apparel, and if assessed value be not in excess of four thousand (\$4,000.00) dollars; together with the applicant's net annual income, annuity, emoluments of office, or wages for services shall not be in excess of four hundred eighty (\$480.00) dollars for a single person, or if married a community income from all sources not exceeding seven hundred (\$700.00) dollars, exclusive of all taxes, insurance and payments of interest on the property of his or her designated homestead. Only those in necessitous circumstances, under the foregoing definition, shall be entitled to a pension under this Act.

COLLIE.

Read.

## Motion to Table.

Senator Holbrook moved to table the amendment by Senator Collie.

The motion to table prevailed by the following vote:

## Yeas—13.

Blackert.	Poage.
DeBerry.	Redditt.
Holbrook.	Regan.
Hornsby.	Shivers.
Moore.	Stone.
Neal.	Van Zandt.
Oneal.	

## Nays—10.

Beck.	Nelson.
Collie.	Sanderford.
Davis.	Sulak.
Hill.	Westerfeld.
Isbell.	Woodruff.

## Absent.

Hopkins.	Small.
Rawlings.	

## Absent—Excused.

Burns.	Martin.
Cotten.	Pace.
Fellbaum.	

Amend Sub-Sec. 5 of Sec. 3 of Shivers amendment by adding thereto the following:

"Such income to be exclusive of

any money paid for taxes, interest and insurance by any person upon his or her homestead, such homestead not to exceed \$3,0000.

NELSON.

Read.

### Motion to Table.

Senator Moore moved to table the amendment by Senator Nelson.

The motion prevailed by the following vote:

Yeas—15.

Blackert.	Poage.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Shivers.
Moore.	Stone.
Neal.	Van Zandt.
Oneal.	

Nays—10.

Beck.	Nelson.
Collie.	Sanderford.
Davis.	Sulak.
Hill.	Westerfeld.
Isbell.	Woodruff.

Absent.

Hopkins. Small.

Absent—Excused.

Burns.	Fellbaum.
Cotten.	Pace.

Amend Shivers amendment by adding a new subsection to be known as Subsection 9 to Sec. 3 as follows:

"The income set out in Subsection 5 hereof shall be exclusive of any premium paid on any policy of life insurance providing an annuity for any person over 65 years of age."

NELSON.

Read.

### Motion to Table.

Senator Holbrook moved to table the amendment by Senator Nelson.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Poage.
Blackert.	Rawlings.
DeBerry.	Redditt.
Holbrook.	Regan.
Hornsby.	Shivers.
Moore.	Stone.
Neal.	Van Zandt.
Oneal.	

Nays—10.

Collie.	Nelson.
Davis.	Sanderford.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent.

Hopkins. Small.

Absent—Excused.

Burns.	Fellbaum.
Cotten.	Pace.

The question recurred on the adoption of the Shivers amendment as amended.

Senator Sanderford was recognized.

### Motion for Previous Question.

Senator Beck moved that the Senate order the previous question on to pending amendment as amended and the engrossment of the bill.

The motion was seconded.

The motion was lost by the following vote:

Yeas—12.

Beck.	Poage.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Moore.	Shivers.
Neal.	Van Zandt.

Nays—13.

Blackert.	Oneal.
Collie.	Sanderford.
Davis.	Stone.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.
Nelson.	

Absent.

Hopkins. Small.

Absent—Excused.

Burns.	Fellbaum.
Cotten.	Pace.

### Previous Question.

Senator DeBerry moved that the Senate order the previous question on the amendment.

The motion was seconded.

The motion prevailed by viva voce vote.

The question recurred on adoption of the Shivers amendment as amended.

The Shivers amendment as amended was adopted by the following vote:

Yeas—13.

Blackert.	Poage.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Moore.	Shivers.
Neal.	Van Zandt.
Oneal.	

Nays—10.

Collie.	Nelson.
Davis.	Sanderford.
Hill.	Stone.
Isbell.	Sulak.
Martin.	Woodruff.

Absent.

Beck.	Small.
Hopkins.	

Absent—Excused.

Cotten.	Pace.
Fellbaum.	

(Pair Recorded.)

Senator Westerfeld (present) who would vote nay, with Senator Burns (absent) who would vote yea.

Senator Van Zandt asked unanimous consent to amend the caption to conform to the body of the bill.

Unanimous consent was granted.

Amend S. B. No. 1 by adding a new Section to be known as No. 37a as follows:

Any agent or attorney or other person instrumental in prosecuting any claim for pension, who shall directly or indirectly contract for, demand or receive or return any compensation for his services or instrumentality in prosecuting a claim for pension or who shall induce any person to apply for a pension, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding \$500, or confined in the county jail at hard labor not exceeding two years, or both; and any agent, attorney, or other person instrumental in prosecuting any claim for increase of pension on account of the increase of disability

for which pension was allowed, who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500 or confined in the county jail, not exceeding two years, or both.

WESTERFELD,  
COLLIE,  
NELSON.

Read.  
Pending.

Previous Question.

Senator Moore moved that the Senate order the previous question on the pending amendment and the engrossment of the bill.

The motion was seconded.

The motion prevailed by viva voce vote.

The pending amendment was adopted by viva voce vote.

• Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which the previous question was ordered on the amendment and the engrossment of the bill.

The motion prevailed by viva voce vote.

Motion to Reconsider.

Senator Davis moved to reconsider the vote by which the amendment by Senators Westerfeld, Collie and Nelson was adopted.

The motion prevailed by viva voce vote.

Senator Davis was recognized to speak on the amendment.

Motion to Recess.

Senator Hill at 6 o'clock p. m. moved that the Senate recess until 10 o'clock a. m. Wednesday.

The motion lost by viva voce vote.

Senate Bill No. 1.

The amendment was lost by the following vote:

Yeas—8.

Collie.	Nelson.
Isbell.	Oneal.

Poage. Westerfeld.  
Sanderford. Woodruff.

**Nays—14.**

Beck. Neal.  
Blackert. Rawlings.  
Davis. Redditt.  
Hill. Regan.  
Holbrook. Shivers.  
Hornsby. Stone.  
Moore. Van Zandt.

Present—Not Voting.

DeBerry. Sulak.  
Martin.

**Absent.**

Hopkins. Small.

**Absent—Excused.**

Burns. Fellbaum.  
Cotten. Pace.

Senator Shivers moved the engrossment of S. B. No. 1.

The bill was read the second time as amended and passed to engrossment by the following vote:

**Yeas—18.**

Beck. Oneal.  
Blackert. Poage.  
Davis. Rawlings.  
DeBerry. Redditt.  
Holbrook. Regan.  
Hornsby. Shivers.  
Isbell. Stone.  
Moore. Van Zandt.  
Neal. Woodruff.

**Nays—6.**

Collie. Nelson.  
Hill. Sanderford.  
Martin. Sulak.

**Absent.**

Hopkins.

**Absent—Excused.**

Cotten. Pace.  
Fellbaum. Small.

**(Pair Recorded.)**

Senator Westerfeld (present) who would vote nay, with Senator Burns (absent) who would vote yea.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage by the following vote:

**Yeas—23.**

Beck. Oneal.  
Blackert. Poage.  
Collie. Rawlings.  
Davis. Redditt.  
DeBerry. Regan.  
Hill. Sanderford.  
Holbrook. Shivers.  
Hornsby. Stone.  
Isbell. Van Zandt.  
Moore. Westerfeld.  
Neal. Woodruff.  
Nelson.

**Nays—2.**

Martin. Sulak.

**Absent.**

Hopkins.

**Absent—Excused.**

Burns. Pace.  
Cotten. Small.  
Fellbaum.

Read third time and finally passed by the following vote:

**Yeas—21.**

Beck. Oneal.  
Blackert. Poage.  
Davis. Rawlings.  
DeBerry. Redditt.  
Hill. Regan.  
Holbrook. Sanderford.  
Hornsby. Shivers.  
Isbell. Stone.  
Martin. Van Zandt.  
Moore. Woodruff.  
Neal.

**Nays—3.**

Collie. Sulak.  
Nelson.

**Absent—Excused.**

Cotten. Pace.  
Fellbaum. Small.  
Hopkins.

**(Pair Recorded.)**

Senator Westerfeld (present) who would vote nay, with Senator Burns (absent) who would vote yea.

**Reasons for Vote.**

I voted "I" on final passage of the bill for the reason some aged persons are now desperately in need. I still realize the unfairness of the bill as it is amended.

**MARTIN.**

This bill is not what I wanted and is not what I believe my people wanted. I vote "aye" to put it into effect as soon as possible, so that those who can qualify can get the aid.

HILL.

I voted "no" because the bill as amended is unfair to the people of my district by reason of the qualifications placed on those applying for pensions, and because a very large number of my constituents petitioned me verbally and in writing to vote against any bill which carries any qualifications of property ownership or income."

SULAK.

#### House Bill No. 27.

Senator Redditt was recognized to send up a committee report.

#### House Bill No. 27.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Senator Redditt moved to suspend the rule requiring bills to be printed and lie over 24 hours.

The motion prevailed.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 27 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Hopkins.
Cotten.	Pace.
Fellbaum.	Small.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Hopkins.
Cotten.	Pace.
Fellbaum.	Small.

Adjournment.

Senator Moore at 6:15 o'clock p. m. moved that the Senate adjourn until 10 a. m. Thursday morning.

Senator Poage moved that the Senate stand adjourned until 10 a. m. Wednesday.

The motion by Senator Moore lost by the following vote:

Yeas—10.

Davis.	Redditt.
Holbrook.	Shivers.
Martin.	Stone.
Moore.	Sulak.
Rawlings.	Van Zandt.

## Nays—13.

Collie.	Oneal.
DeBerry.	Poage.
Hill.	Regan.
Hornsby.	Sanderford.
Isbell.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent.

Beck.	Hopkins.
Blackert.	

Absent—Excused.

Burns.	Pace.
Cotten.	Small.
Fellbaum.	

Senator Moore moved that the Senate recess until 10 o'clock a. m. Thursday.

The motion lost by the following vote:

Yeas—8.

Beck.	Moore.
Davis.	Rawlings.
Holbrook.	Redditt.
Martin.	Stone.

Nays—16.

Collie.	Poage.
DeBerry.	Regan.
Hill.	Sanderford.
Hornsby.	Shivers.
Isbell.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Absent.

Blackert.

Absent—Excused.

Burns.	Hopkins.
Cotten.	Pace.
Fellbaum.	Small.

Senator Martin moved that the Senate recess until 2 p. m. Wednesday.

The motion lost by the following vote:

Yeas—8.

Beck.	Rawlings.
Isbell.	Sanderford.
Martin.	Stone.
Moore.	Sulak.

Nays—16.

Collie.	DeBerry.
Davis.	Hill.

Holbrook.	Redditt.
Hornsby.	Regan.
Neal.	Shivers.
Nelson.	Van Zandt.
Oneal.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Blackert.	Hopkins.
Burns.	Pace.
Cotten.	Small.
Fellbaum.	

The motion by Senator Poage prevailed by viva voce vote.

## APPENDIX.

## Petitions and Memorials.

Houston, Texas, Oct. 20, 1935.

Dear Mr. Barker:

Mrs. Wolters had expressed a desire to write this letter herself, but in the great strain placed upon her during this time, her strength became exhausted. It therefore becomes my privilege to serve my brother, the General, in this last capacity.

Please allow his family to extend to the Senate, its sincere gratitude for the honor shown his memory in the resolution drafted, in the eulogies spoken, and in its adjournment in his honor.

The splendid tributes that he received during his lifetime always came to him as a pleasing surprise—his modesty never allowing him to expect them as his just due—but rather as something warm and personal from his friends.

We are deeply grateful. We shall treasure every tribute to pass down to the generations in our family who must miss the great privilege of having known him as the five generations to whom he was an influence, a source of pride, love and devotion.

The General's sons join Mrs. Wolters and me in this expression of our appreciation to the Senate.

Sincerely,

OTTILIE WOLTERS BAUMGARTEN  
Otilie Wolters Baumgarten.

## Committee Reports.

Committee Room,

Austin, Texas, Oct. 22, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

#### FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
October 23, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Oct. 23, 1935.

To the Members of the Forty-fourth Legislature (In Second Called Session):

In view of the progress made in connection with old age pension legislation, I am submitting to you the matter of substituting salaries for fees as provided in the constitutional amendment adopted on August 24th.

I am sure I need not emphasize the importance of action on this subject during this session.

I also submit for your consideration the following matters:

1.

House Bill 15, by Knetsch, reducing the period for calling school elections from three weeks to ten days.

I am advised by P.W.A. authorities that more than 150 applications for Federal funds are affected by this requirement. The bill has already passed the House.

2.

A bill by Olsen to authorize the Yoakum School District to qualify for Federal funds.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

Executive Office.

Austin, Texas, Oct. 23, 1935.

To the Members of the Forty-fourth Legislature (In Second Called Session):

In view of the progress made in connection with old age pension legislation, I am submitting to you the matter of substituting salaries for fees as provided in the constitutional amendment adopted on August 24th.

I am sure I need not emphasize the importance of action on this subject during this session.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

#### Bills and Resolutions.

##### Senate Resolution No. 7.

Whereas, There has come to attention of this body the death of A. M. Wilson, distinguished citizen and philanthropist of Collin County;

Whereas, This illustrious citizen has during his lifetime distributed among his fellow citizens his entire